

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER SITE
DISASTER LITIGATION

21 MC 100

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RICHARD BATTLE,

Plaintiff(s)

05 Civ. 101339 (AKH)

-against-

**NOTICE OF ADOPTION
OF MASTER ANSWER**

1 WORLD TRADE CENTER, LLC, 1 WTC HOLDINGS, LLC,
2 WORLD TRADE CENTER LLC, 2 WTC HOLDINGS LLC, 4
WORLD TRADE CENTER LLC, 4 WTC HOLDING LLC, 5
WORLD TRADE CENTER LLC, 5 WTC HOLDING LLC, A
RUSSO WRECKING, INC., ABM, ABM INDUSTRIES, INC.,
ABM JANITORIAL NORTHEAST, INC., AMEC
CONSTRUCTION MANAGEMENT, INC., AMEC EARTH &
ENVIRONMENTAL, INC., ANTHONY CORTESE
SPECIALIZED HAULING LLC, ATLANTIC HEYDT CORP.,
BECHTEL CONSTRUCTION, INC., BECHTEL
CORPORATION, BECHTEL ENVIRONMENTAL, INC.,
BERKEL & COMPANY, CONTRACTORS, INC., BFP
TOWER C CO. LLC, BIG APPLE WRECKING &
CONSTRUCTION CORP. BOSTON PROPERTIES, BOVIS
LEND LEASE LMB, INC., BOVIS LEND LEASE, INC.,
BREEZE CARTING CORP., BREEZE NATIONAL INC.,
BRER-FOUR TRANSPORTATION CORP., BUREAU HAPPOLD
CONSULTING ENGINEERS, P.C., C&D FIREPROOFING &
PLASTERING CORP., C.B. CONTRACTING CORP.,
CANRON CONSTRUCTION CORP., CANTOR SEINUK
GROUP, CERTIFIED FENCE CORP., CIVETTA-COUSINS
JV, LLC, CLARCOR AIR FILTRATION PRODUCTS, INC.,
COMPONENT ASSEMBLY SYSTEMS, INC.,
CONSOLIDATED EDISON COMMUNICATIONS HOLDING
COMPANY, INC., CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC., CONSOLIDATED EDISON
DEVELOPMENT, INC., CONSOLIDATED EDISON ENERGY,
INC., CONSOLIDATED EDISON SOLUTIONS, INC.,
CONSOLIDATED EDISON, INC., COORDINATED METALS,
INC., CORD CONTRACTING CO., INC., CRAIG TEST
BORING COMPANY, INC., CRITICOM INTERNATIONAL
CORPORATION, CUSHMAN & WAKEFIELD, INC.,
D'ONOFRIO GENERAL CONTRACTORS CORP., DAKOTA
DEMO-TECH INC., DCM ERECTORS, INC., DIAMOND
POINT EXCAVATING CORP., EAGLE LEASING &
INDUSTRIAL SUPPLY, INC., EAGLE ONE ROOFING

CONTRACTORS INC., EAGLE SCAFFOLDING CO., INC., EJ
 DAVIES, INC., EN-TECH CORP., ET ENVIRONMENTAL,
 EVERGREEN RECYCLING OF CORONA (EROC), EWELL
 W. FINLEY, P.C., EXECUTIVE MEDICAL SERVICES, P.C.,
 F&G MECHANICAL, INC., FELIX EQUITIES, INC., FLEET
 TRUCKING, INC., FRANCIS A. LEE EXTERIOR
 RESTORATION, INC., FRANK MICELLI JR.
 CONTRACTING, INC., FTI TRUCKING, INC., GILSANZ,
 MURRAY & STEFICEK, LLP, GOLDSTEIN ASSOCIATES
 CONSULTING ENGINEERS, PLLC, GRACE INDUSTRIES,
 INC., HALLEN WELDING SERVICE, INC., HELMSMAN
 MANAGEMENT SERVICES, INC., HGC CONTRACTING
 CORP., HIGH-RISE ELECTRIC, INC., HIGH RISE
 HOISTING AND SCAFFOLDING, INC., JP EQUIPMENT
 RENTAL MATERIALS, INC., LAQUILA CONSTRUCTION,
 INC., LASRADA GENERAL CONTRACTING CORP. LESLIE
 E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS,
 P.C., LIBERTY MUTUAL INSURANCE COMPANY,
 LIBERTY MUTUAL MANAGED CARE INC., LOCKWOOD
 KESSLER & BARTLETT, INC., LUCIUS PITKIN, INC., LZA
 TECH-DIV OF THORTON TOMASETTI, MANAFORT
 BROTHERS INCORPORATED, MAZZOCCHI WRECKING,
 INC, MENT BROS. IRON WORKS CC., INC., MERIDIAN
 CONSTRUCTION GROUP, MOODY'S INVESTORS
 SERVICE, MRA ENGINEERING, PC, MUESER RUTLEDGE
 CONSULTING ENGINEERS, INC., MOSCO SPORTS
 LIGHTING, LLC, NACIREVA INDUSTRIES
 INCORPORATED, NEW YORK CRANE & EQUIPMENT,
 CORP., NYC INDUSTRIAL DEVELOPMENT AGENCY,
 NICHOLSON CONSTRUCTION COMPANY, OLYMPIC
 PLUMBING & HEATING CORP., OVE AROP & PARTNERS
 P.C., PARSON GROUP, INC., PETER SCALAMANDRE &
 SONS, INC., PINNACLE, PINNACLE ENVIRONMENTAL
 CORP., PLAZA CONSTRUCTION CORP., PLAZA
 CONSTRUCTION MANAGEMENT CORP., PORT
 AUTHORITY OF NEW YORK and NEW JERSEY, PRO
 SAFETY SERVICES, LLC, PT & L CONTRACTING CORP.,
 REGIONAL SCAFFOLDING & HOISTING CO., INC.,
 ROBERT SILMAN ASSOCIATES, ROBERT ERRAT,
 ROBERT I. GEROSA, INC., ROYAL GM, INC., SAB
 TRUCKING INC., SAFEWAY ENVIRONMENTAL CORP.,
 SEASONS INDUSTRIAL CONTRACTING, SHELDRAKE
 ORGANIZATION, INC., SILVERITE CONTRACTING,
 SILVERSTEIN PROPERTIES, SILVERSTEIN, WTC
 FACILITY MANAGER, LLC, SILVERSTEIN WTC, LLC,
 SILVERSTEIN WTC MGMT CO., LLC, SILVERSTEIN WTC
 PROPERTIES LLC, SIMPSON GOMPERTZ & HEGER INC.,
 SKIDMORE, OWING & MERRILL, LLP, STAR DELTA
 ELECTRIC, INC., STIER ANDERSON, LLC, SURVIVAIR,
 TISHMAN CONSTRUCTION CORPORATION OF

MANHATTAN, TISHMAN CONSTRUCTION CORPORATION OF NEW YORK, TISHMAN SPEYER PROPERTIES, TOMASETTI GROUP, INC., TORRETTA TRUCKING, INC., TOTAL SAFETY CONSULTING, LLC, TRIO ASBESTOS REMOVAL, TUCCIEQUIPMENT RENTAL CORP., TULLY CONSTRUCTION CO., INC., TULLY CONSTRUCTION COMPANY, TULLY ENVIRONMENTAL, INC., TULLY INDUSTRIES, INC., TURNER CONSTRUCTION CO., TURNER CONSTRUCTION COMPANY, TURNER CONSTRUCTION INTERNATIONAL, LLC, ULTIMATE DEMOLITION/CS HAULING (JOING VENTURE), UNITED STATES REBAR, INC., VOLLMER ASSOCIATES, LLP, W HARRIS & SONS, INC., WEEKS MARINE, INC., WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C., WESTFIELD AMERICA, INC., WESTFIELD WTC HOLDING LLC, WESTFIELD WTC, LLC, WFP TOWER D CO., LP, WHITNEY CONTRACTING INC., WOLKOW-BRAKER ROOFING CORP., WORLD TRADE CENTER PROPERTIES LLC, YANNUZZI & SONS, INC., YONKERS CONTRACTING COMPANY, INC., YORK HUNTER CONSTRUCTION, LLC, ZIEGENFUSS DRILLING, INC.,

Defendant(s)

X

Pursuant to Case Management Order No. 6 (“CMO6”), the Master Answer to the Amended Master Complaint Against the City of New York, the Master Answer to the Amended Master Complaint for Construction Manager Defendants, the Master Answer to the Amended Master Complaint Against Contractor Defendants, and the Master Answer to the Amended Master Complaint Against the City of New York and the Fresh Kills Contractor Defendants were filed on January 15, 2008 (these four separate Master Answers are referred to collectively herein as “Master Answers”).¹

¹ These Master Answers are responsive to three separate Amended Complaints filed by Plaintiffs on and after August 18, 2006: (1) Amended Master Complaint Against the City of New York; (2) Amended Master Complaint Against Construction Manager Defendants; (3) Amended Master Complaint Against Contractor Defendants; and (4) the Amended Master Complaint Against the City of New York and the Fresh Kills Contractor Defendants which was filed on December 18, 2006 (referred to collectively herein as “Master Complaints”).

NOTICE OF ADOPTION

All headings and paragraphs in the Master Answers selected below are applicable to and are adopted by the instant Defendant(s) as if fully set forth herein in addition to those paragraphs specific to the individual Defendant(s), which are listed below.

<input type="checkbox"/>	Master Answer to the Amended Master Complaint for Construction Manager Defendants
<input checked="" type="checkbox"/>	Master Answer to the Amended Master Complaint Against Contractor Defendants
<input type="checkbox"/>	Master Answer to the Amended Master Complaint Against the City of New York
<input type="checkbox"/>	Master Answer to the Amended Master Complaint Against the City of New York and the Fresh Kills Contractor Defendants

The Defendant Berkel & Company Contractors, Inc., indicated by Plaintiff(s) in "Section I. B." of the Short Form Complaint Related to the Master Complaint ("Short Form Complaint"), by and through their attorneys, L'Abbate, Balkin, Colavita & Contini, LLP, as and for their answer to Plaintiff(s)' Short Form Complaint, upon information and belief, allege as follows:

I. PARTIES**A. PLAINTIFF(S)**

1. Defendant(s) deny having knowledge or information sufficient to form a belief as to the truth of allegations one (1) through (and including) six (6) of Section "I. A."

B. DEFENDANT(S)

2. Defendant(s) admit that what purports to be a list of all Defendant(s) named in the Master Complaint is in fact such a list. Defendant(s) deny that the allegations contained in the Master Complaints are properly directed to the Defendant(s) indicated by Plaintiff(s) in Section "I. B."

II. JURISDICTION

3. Defendant(s) admit that jurisdiction is proper under the bases set forth in "Section II," including the Air Transportation Safety and System Stabilization Act of 2001 ("ATSSSA") and Federal Officer Jurisdiction, but deny that these are the only bases for federal jurisdiction.

III. CAUSES OF ACTION

4. Defendant(s) admit that Plaintiff(s) is/are pursuing allegations based on the indicated causes of action in "Section III." Defendant(s) deny these allegations.

IV. CAUSATION, INJURY AND DAMAGE

5. Defendant(s) deny the allegations contained in "Section IV" of the Short Form Complaint.

V. AFFIRMATIVE DEFENSES

6. Defendant(s) hereby adopt all affirmative defenses asserted in the Master Answers as if set forth in full herein.

Dated: March 18, 2010
Garden City, New York

Yours etc.,

L'Abbate, Balkin, Colavita
& Contini, LLP

By: 
Eric S. Hechler (ESH 1797)

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Company Contractors, Inc.
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